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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CV No. 3:15-cv-01857-BR

LORI WAKEFIELD, individually and on
behalf of all others similarly situated,

DEFENDANT'S LAY WITNESS LIST

Plaintiff,

vs.

VISALUS, INC., a Nevada corporation,

Defendant.

Defendant, ViSalus, Inc. ("ViSalus"), pursuant to this Court's Civil Trial Management Order (Dkt. 152), discloses that it may call the following lay witnesses at trial:

1. **Scott Gidley**

a. **Occupation:** Compliance Analyst for ViSalus, Inc.

b. **Address:** c/o Quarles & Brady, LLP, 2 N. Central Ave., One Renaissance Square, Phoenix, AZ 85004

c. **Estimated Testimony Length:** 1.5 hours

d. **Testimony Summary:** If called, Mr. Gidley will rebut Plaintiff's assertions that, during the class period, ViSalus placed over 3.7 million calls to consumers in the United States on their residential landlines or cellular telephone lines and played telemarketing messages using an artificial or prerecorded voice. Mr. Gidley will further testify about the application materials completed by each ViSalus customer and promoter and ViSalus's privacy policy, including their specific contents allowing customers and promoters to provide telephone numbers to ViSalus for ViSalus to call in the future and specific disclosures contained therein regarding future marketing calls from ViSalus to promoters and customers. Mr. Gidley will testify about ViSalus's Avaya telephone system and ViSalus's calling campaigns. Mr. Gidley will also testify that the vast majority of calls that ViSalus placed did not deliver an artificial or prerecorded voice or did not constitute telemarketing as defined by the TCPA.

2. ViSalus reserve the right to call any and all witnesses listed in Plaintiff's Lay Witness List.

RESPECTFULLY SUBMITTED this 23rd day of January, 2019.

QUARLES & BRADY LLP

By /s/ John Maston O'Neal

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I hereby certify that I served the foregoing on Plaintiff the foregoing document:

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by the following indicated method or methods on the date set forth below:

- ☒ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☐ **Facsimile communication device.**
- ☐ **First-class mail, postage prepaid.**
- ☐ **Hand-delivery.**
- ☐ **Overnight courier, delivery prepaid.**

DATED this 23rd day of January, 2019.

/s/John Maston O'Neal

Attorneys for Defendant ViSalus, Inc.